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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,502	01/04/2002	Robert L. Noonan	COMP:0223 POO-3552	6280
7590	03/15/2006		EXAMINER	
Intellectual Property Administration Legal Department M/S 35 P.O. Box 272400 Ft. Collins, CO 80527-2400			SORRELL, ERON J	
		ART UNIT	PAPER NUMBER	
		2182		
DATE MAILED: 03/15/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/037,502	NOONAN ET AL.
	Examiner Eron J. Sorrell	Art Unit 2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 February 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-9,11-17 and 19-24 is/are rejected.  
 7) Claim(s) 2,10 and 18 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 04 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
 · Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 · Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

DETAILED ACTION

*Response to Amendment*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

*Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-8 and 12-16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 4,6,7,8,12,15, and 16 recites the limitation "the term". There is insufficient antecedent basis for this limitation in the claim.

5. Claims 5,6,13, and 14 recites the limitation "the passive throttling register". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1,3,9,11,17, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson et al. (U.S. Patent No. 6,476,854 hereinafter "Emerson") in view of Chin et al. (U.S. Patent No. 5,299,315 hereinafter "Chin").

8. Referring to system claims 1 and 9, method claim 17, and apparatus claim 21, Emerson teaches a managed server (see item C in figure 1), comprising:

a video controller (see item 136 in figure 1) operatively connected to a communications bus (see item 114 in figure 1);  
a remote server management controller (see item 156 in figure 1) that snoops data from a communication bus (see lines

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21-25 of column 2), the remote server management controller comprising:

a FIFO (see item 226 in figure 4) that is adapted to store data snooped from the communication bus (see lines 21-32 of column 2); and logic to a signal that the FIFO has become filled to a predetermined level to prevent the FIFO from being overflowed (throttle the data) with snooped data while snooped data stored in the FIFO continues to be processed (see lines 40-50 of column 10).

Emerson fails to teach an embedded bus master that is operatively connected to the communication bus, the embedded bus master being adapted to take control of the communication bus responsive to the signal the FIFO has reached a predetermined threshold to prevent overflow.

Chin teaches the above limitation (see lines 59 of column 6 to line 17 of column 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Emerson with the above teachings of Chin. One of ordinary skill in the art would have been motivated to make such modification to simplify the bus arbitration process and optimize system performance as suggested by Chin (see lines 52-58 of column 6).

9. Referring to claims 3,11, and 24 Emerson teaches the bus is a PCI bus (see item 114 in figure 1).

10. Referring to claim 20, Emerson teaches the method steps are performed in the recited order (see rejection of claim 17, *supra*).

11. Referring to claim 22, Emerson teaches the server is configured to process the snooped data stored in the queue while the bus master is throttling the flow of snooped data (see lines 10-39 of column 21).

12. Referring to claim 23, Chin teaches the bus master is configured to throttle the data by preventing communication for a predetermined amount of time (see lines 59 of column 6 to line 17 of column 7, the time necessary to empty the FIFO).

#### ***Allowable Subject Matter***

13. Claims 2,10, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record taken alone or in combination fails to teach or suggests an embedded bus master that takes control of a communications bus for a time period by reading a value stored in a register wherein the value in the stored in the register corresponds to the time period, in combination with the other recited claim limitations.

*Response to Arguments*

15. Applicant's arguments with respect to claims 1, 9, 17, and 21 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJS  
March 11, 2006



KIM HUYNH  
SUPERVISORY PATENT EXAMINER  
3/13/06